IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

WRIT PETITION NO :18480 of 1995

Dated: 14th June 2006.

Between:

A.C.Konda Reddy

..... PETITIONER

AND

Govt of A.P. rep by its secretary, Irrigation Dept (Telugu Ganga project) secretariat, Hyderabad and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

W.P.NO.18480 OF 1995

ORAL ORDER:

This writ petition is field with the prayer as follows:

> " For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction declaring the proceedings of the 3rd respondent herein passed in his letter NO EE/TGP/NDL/DB/316M dat 27-3-1995, as illegal arbitrary and unenforceable and to pass such other or further orders as this Hon'ble court may deem fit."

The petitioner entered into a Contract, with the State of Andhra Pradesh, dated 08-09-1989. For various reasons, which are not necessary for the present writ petition, the said Contract was terminated. It appears that Clause-61 of the Contract, stipulates that whenever such cancellation takes place and the work is entrusted to another contractor, any loss that occurred to the State, is to be recovered from the original contractor. In exercise of the power under such agreement, the respondents issued impugned proceedings, calling upon the petitioner to pay the amounts indicated therein. Hence, the present writ petition.

The facts narrated above, clearly demonstrate that what is disputed is the contractual rights of the parties and the same involves investigation into facts, in which case, the remedy under Article 226 of the Constitution of India, is the most unsuitable remedy, as has been consistently held by this Court and the Supreme Court.

The writ petition is, therefore, dismissed. No costs.

J.Chelameswar, J

mrk

14th June 2006.